

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office. MAR 26 1993

Returned to applicant for correction.....

Corrected application filed.....Map filed MAR 26 1993

The applicant Clinton C. Dewitt, Jr., and Gail Dewitt
P.O. Box 2860 of Minden
Street and No. or P.O. Box No. City or Town

Nevada 89423 hereby make.... application for permission to change the
State and Zip Code No.

Point of Diversion and Place of Use of a Portion
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 49547
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is Underground
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 0.0659 CFS Not to Exceed 1.1982 MGA
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Commercial and Domestic (no change)
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Commercial and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T.14N., R.20E.,
Describe as being within a 40-acre subdivision of public survey and by course and

M.D.B.&M., or at a point from which the N $\frac{1}{4}$ corner of said Section 6 bears North
distance to a section corner. If on unsurveyed land, it should be stated.

49° 21' West, a distance of 1059 feet.

6. The existing permitted point of diversion is located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T.14N., R.20E.,
If point of diversion is not changed, do not answer.

M.D.B.&M., or at a point from which the N $\frac{1}{4}$ corner of said Section 6 bears North

02° 58' West, a distance of 536 feet.

7. Proposed place of use is 3.0 acres within a portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T.14N.,
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

R.20E., M.D.B.&M., as shown on the supporting map (Parcels 1, 2, and 3 as shown

on Parcel Map #2 recorded in Book 777 at Page 1039 as Document No. 11246, Douglas
County, Nevada)

8. Existing place of use is within a portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, and a portion of the
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T.14N., R.20E., M.D.B.&M., as shown on the supporting map.
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and

specifications of your diversion or storage works.) Well, pump, storage tank, and distribution
State manner in which water is to be diverted, i.e. diversion structure,

system
ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$25,000

13. Estimated time required to construct works one year

14. Estimated time required to complete the application of water to beneficial use.....two years.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

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By s/Clinton C. Dewitt Jr.
P.O. Box 247
Minden NV 89423

Compared bc/bc.....

Protested 5/21/93 by: Clear Creek Enterprises.....

.....OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....cubic feet per second.....

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be made on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed.....
Proof of beneficial use filed.....
Cultural map filed.....
Certificate No.....Issued.....

IN TESTIMONY WHEREOF, I, _____,
State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this.....day of.....
A.D. 19.....

agent JUN 19 1997
WITHDRAWN BY APPLICANT
[Signature]
STATE ENGINEER

State Engineer

15. The applicants purchased real property located in Douglas County in 1977. The purchase was from Clear Creek Enterprises, Inc.

The applicants knew, or assumed they were purchasing certain water as appurtenances to their property. But they also knew that they couldn't immediately prove beneficial use of sufficient water, since they were unsure of their needs. At the time of purchasing the property, the seller represented that it was forming a water company and that it could provide water to the racketball facility, as well as provide the water works to deliver water owned by the applicants. Further, it was understood that the applicants herein would then be demonstrating beneficial use of water rights which they, the applicants, would acquire.

The agreement to deliver water had a term limit on it, but it was assumed that the water company to be formed would continue to deliver water to all businesses within the subdivision. This was undoubtedly included by inference in the approval by Douglas County.

At any rate, Clear Creek Enterprises, Inc. ultimately sold to one Edward Roberts.

Mr. Roberts has made clear, verbally and in writing, that he will under no circumstance continue to serve as a method of delivery of water to the applicants, upon expiration of the agreement. He has also stated to the applicants that he would not allow the use of any of his property, or for that matter, public easements, for the placement of a well, storage tank, water lines or any other water works to provide an alternate source of water.

This being the situation, the applicants are left with absolutely no choice but to drill a well on their own property to access the water which has heretofore been delivered, pursuant to contract, by Mr. Roberts.